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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,443	09/16/2003	Robin B. Hutchison	ECHG121699	1594

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EXAMINER

ZEENDER, FLORIAN M

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,443

Applicant(s)

HUTCHISON ET AL.

Examiner

F. Ryan Zeender

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-42 is/are pending in the application.
- 4a) Of the above claim(s) 13-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/9/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of group I (Claims 2-42) and specie 1 (claims 2-12) in the reply filed on 5/31/2005 is acknowledged. Claims 43-59 have been cancelled by the applicant and claims 13-42 are withdrawn from consideration as being drawn to a non-elected specie.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Specifically, no "apparatus" is claimed and therefore the terminology should be deleted from the title.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7, 9 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 7 and 8, the terminology, "an alternate authentication request" is confusing language in that a first or initial authentication request is not claimed.

In claim 12, line 3, "said account identification container" lacks antecedent basis.

Note: it appears the claims should be dependent on claim 3.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 2 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Williams '105.

Williams discloses a method for purchasing a product from a merchant /seller computer (Fig. 1B) using a virtual payment account (See Col. 141, line 14 to Col. 142, line 19), comprising: receiving a request from a buyer/consumer computer to purchase the product from the seller computer using the virtual payment account (Fig. 28; Col. 143+; Col. 145, line 63 to Col. 146, line 26; Fig. 35;); in response to said purchase request, determining whether the buyer computer is associated with the virtual payment account (Fig. 17; Col. 42, lines 65+); in response to determining that said buyer computer is associated with the virtual payment account, applying a cost of the product to the virtual payment account and providing the product to a buyer associated with the buyer computer (Col. 141, line 13 to Col. 144, line 25), and the use of a main account and sub-account (See for example Fig. 31).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-9 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams '105.

Williams discloses the limitations of the claims including in a method for purchasing a product from a merchant server (Fig. 1B) using a virtual payment account associated with a consumer computer (Col. 141, line 14 to Col. 142, line 19) the steps of: receiving a request from the consumer computer to purchase the product, the purchase request identifying a virtual payment account as the method of payment for the product (Col. 145, line 63 to Col. 146, line 26; Fig. 35); in response to the purchase request transmitting an authentication request from the consumer computer to a commerce gateway (Fig. 17; Col. 42, line 65+); receiving the authentication request at the commerce gateway and determining whether a valid virtual payment account is associated with the consumer computer at the commerce gateway (Fig. 17; Col. 42, line 65+); in response to determining that a valid virtual payment account is associated with the consumer computer, transmitting an account identification container (Col. 157, line 22+); transmitting the purchase request from the consumer computer to the merchant computer (Fig. 28, Col. 143+); transmitting the purchase request from the merchant computer to the commerce gateway (Fig. 17; Col. 42, line 65+); receiving the purchase

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request at the commerce gateway and determining whether the virtual payment account may be used to pay for the product (Fig. 17; Fig 15A; Col. 24, lines 20-43); in response to determining that the virtual payment account may be used to pay for the product, transmitting a valid transaction authorization from the commerce gateway to the merchant computer (Fig. 17) and the consumer computer (Fig. 34 and 35); charging the virtual payment account for a cost associated with the product and providing the product to a consumer associated with the consumer computer (Col. 141, line 13 to Col. 144, line 25).

Williams does not specifically disclose sending a container to the consumer computer and then to the merchant server.

Williams suggests such a transmission at Fig. 35, element 3550, where the method determines granting of credit. Such a transmission would let the consumer know that the particular virtual account was usable before submission of the payment order and would save repetitively submitting of such orders for unusable virtual accounts. This would also reduce workload at merchant computer by avoiding consideration of unusable virtual accounts.

Re claims 11-12: an acceptable list of merchant computers for a sub account would have been obvious to provide control for usage of the sub account. An example of the user of such control of a sub account would be parental control of sub account usage to limit purchases by children to suitable items. Re claim 12: it would have been also obvious to limit spending as well as content the purchases by children.

Re claim 5: Williams discloses a digital certificate at Col. 14, lines 47-65.

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Re claim 6: Williams teaches a secure token (for example Fig. 10).

Re claims 7 and 8: Since applicant's claims do not specifically state a first and an alternate authentication request (i.e., two separate requests), Williams teaches the limitations when interpreted broadly as a single authentication request. (See 35 USC 112 rejection above).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art was cited in the parent application 09/370949.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (571) 272-6790. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The receptionist's phone number for the Technology center is (571) 272-3600.

The fax phone number for the organization where this application or proceeding is assigned is (571) 272-8300.

F. Zeender
Patent Examiner, A.U. 3627
July 29, 2005

 7/29/05
F. RYAN ZEENDER
PRIMARY EXAMINER